

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
GREENEVILLE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAIME CASTELLANOS CUEVAS,

Defendant.

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2:24-CR-69

REPORT AND RECOMMENDATION

Pursuant to 28 U.S.C. § 636(b), I conducted a plea hearing in this case on August 15, 2024. At the hearing, I first provided Defendant with an initial appearance on the Information that had been filed. Defendant waived his right to prosecution by indictment and consented to proceeding via an Information rather than indictment. He then entered a plea of guilty to the one-count Bill of Information pursuant to a written plea agreement.

I find that Defendant knowingly and voluntarily waived both his right to prosecution by indictment and to have a change of plea hearing before the district judge, instead consenting for the magistrate judge to hold the hearing. On the basis of the record made at the hearing, I find Defendant is capable and competent to enter an informed plea; the plea is made knowingly and with full understanding of each of the rights he waived by entering a guilty plea; the plea is made voluntarily and free from any force, threats, or promises; apart from the promises contained in the plea agreement; Defendant understands the nature of the charge and penalties provided by law; and the plea has a sufficient basis in fact.

For these reasons, I **RECOMMEND** that Defendant's plea of guilty to the Bill of Information be accepted and that the Court adjudicate Defendant guilty of the charge set forth in

the Bill of Information. I further **RECOMMEND** that the decision of whether to accept the plea agreement be deferred until the Presentence Report has been prepared. Finally, I **RECOMMEND** that pending sentencing in this matter Defendant be released on the conditions enumerated in Document 6, as revised in the Order filed this day to correct a scrivener's error. In doing so, I note that the United States is not asking for Defendant to be detained pending sentencing. The parties have been advised that acceptance of the plea, adjudication of guilt, and imposition of sentence are specifically reserved for the district judge.

Respectfully submitted,

/s/Cynthia Richardson Wyrick
United States Magistrate Judge

NOTICE TO PARTIES

You have the right to *de novo* review of the foregoing findings by the district judge. Any application for review must be in writing, must specify the portions of the findings or proceedings objected to, and must be filed and served no later than **Friday, August 30, 2024**. Failure to file objections within this timeframe constitutes a waiver of any further right to challenge the plea of guilty in this matter. *See* 28 U.S.C. § 636(b). Any objection should be filed in both cases referenced above.